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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 GEORGE T. PAYNTER,
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12 Petitioner,

13 v.

14 RON VAN BOENING,
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16 Respondent.

Case No. C08-5164FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION and
DENYING HABEAS CORPUS
PETITION

17 Petitioner presented four grounds for habeas corpus relief: violations of due process, double
18 jeopardy, and equal protection, and ex post facto violations. The Magistrate Judge thoroughly reviewed
19 the procedural history in this case where Petitioner presented issues to the Washington Supreme Court on
20 three separate occasions. The Magistrate Judge concluded that Petitioner failed to properly exhaust his
21 claims because he did not fairly present the claims to both the Washington Court of Appeals and the
Washington Supreme Court as federal claims.

22 Petitioner's September 8, 2008 letter is construed as objections to the Report and
23 Recommendation. Although Petitioner again expresses inadequate representation in his efforts to petition
24 the Courts and faults the legal system, the Court is convinced that the Magistrate Judge's Report and
25 Recommendation must be adopted.

26 The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Kelley
27 Arnold, United States Magistrate Judge, Petitioner's September 8, 2008 letter to the Court, which are
28 construed as objections to the Report and Recommendation, and the remaining record, does hereby find

1 and Order:

- 2 (1) The Court adopts the Report and Recommendation;
- 3 (2) The petition for writ of habeas corpus is DENIED;
- 4 (3) Petitioner's pending motions are moot and/or inappropriate and therefore DENIED; and
- 5 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent,
- 6 and to the Hon. J. Kelley Arnold.
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8 DATED this 19th day of September 2008.

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10 FRANKLIN D. BURGESS

11 UNITED STATES DISTRICT JUDGE

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